

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JESUS SAMANIEGO-GARCIA, NOE
LOERA,

Defendants.

4:13CR3025

MEMORANDUM AND ORDER

Defendant Jesus Samaniego-Garcia has retained new counsel and now moves to continue the pretrial motion deadline, (filing no. [48](#)), because the new attorney needs additional time to review this case and confer with the defendant before deciding if pretrial motions should be filed. The government has filed an unopposed motion for additional time to respond to motions filed by co-defendant, Noe Loera. (Filing No. [54](#)). Based on the showing set forth in the parties' motions, the court finds the motions should be granted. Accordingly,

IT IS ORDERED:

- 1) The motion of attorney Jason M. Finch to withdraw as counsel of record for defendant Jesus Samaniego-Garcia, (filing no. [50](#)), is granted. The clerk shall delete Mr. Finch from any future ECF notifications herein.
- 2) Defendant Samaniego-Garcia's motion to continue, (filing no. [48](#)), is granted. Defendant Samaniego-Garcia's pretrial motions and briefs shall be filed on or before May 30, 2013.
- 3) The government's motion to continue its deadline for responding to defendant Noe Loera's pretrial motions, (Filing No. [54](#)), is granted. The government's response to Loera's motions, (Filing Nos. [43](#) and [44](#)), shall be filed on or before May 14, 2013.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendants in a speedy trial. Accordingly, **as to both defendants**, the additional time arising as a result of the granting of the motion, the time between today's date and May 30, 2013, shall be

deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

May 9, 2013.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge